

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DOUGLAS J. WILTSE,)
)
Plaintiff)
)
v.)
) Case No. 07 CV 7073
DISCOVER FINANCIAL SERVICES, INC.,)
a Delaware Corporation;)
)
Defendant.) Judge Manning
) Magistrate Judge Keys
)
)

**DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

Defendant, DFS Services LLC (“DFS”), formerly known as Discover Financial Services, Inc., hereby submits its Motion to Dismiss Plaintiff’s First Amended Complaint, and states as follows:

1. On December 17, 2007, Plaintiff Douglas J. Wiltse (“Plaintiff”) filed an action in the District Court for the Northern District of Illinois alleging violation of the Americans with Disabilities Act (“ADA”).
2. In his Complaint (“Complaint”), Plaintiff fails to allege facts that would support a cause of action under the ADA.
3. Because there is no legal basis for either of his claims, Plaintiff’s Complaint should be dismissed in its entirety with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).
4. In further support of this motion, DFS refers the Court to the accompanying Memorandum of Law in Support of Defendant’s Motion to Dismiss Plaintiff’s Complaint.

Respectfully submitted,

DFS SERVICES LLC

By: /s/ Cheryl Tama Oblander
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Defendant DFS Services LLC, hereby certifies that on April 2, 2008, a true and correct copy of the foregoing DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT was filed electronically with the Court. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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By: /s/ Cheryl Tama Oblander
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